

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Avi Ashkenazi, et al. Docket No.: 39780-2730P1C8  
Serial No.: 09/990,442 Group Art Unit: 1646  
Filing Date: November 14, 2001 Examiner: Murphy, Joseph  
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME**  
**Express Mail Label No.: EL 993 688 902 US**  
**Mailing Date: August 4, 2004**

**INFORMATION DISCLOSURE**  
**STATEMENT UNDER 37 C.F.R. §1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --  
☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --  
☐ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --  
☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

☐ a certification as specified in §1.97(e) is provided below; or

☒ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**

C. a fee of \$180.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No. 39780-2730P1C8).

Respectfully submitted,

Dated: August 4, 2004

By: Daphne Reddy  
Daphne Reddy, Ph.D.  
Reg. No. 53,507

**HELLER EHRMAN WHITE & MCAULIFFE LLP**

**Customer No. 09157/35489**

275 Middlefield Road

Menlo Park, CA 94025-3506

Telephone: (650) 324-7000

Facsimile: (650) 324-0638

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| <b>INFORMATION DISCLOSURE<br/>STATEMENT</b><br><br><b>PTO-1449</b>            |   |      | <b>ATTY. DOCKET NO.:</b><br>39780-2730P1C8 |       | <b>SERIAL NO.:</b><br>09/990,442 |   |
|   |   |      | <b>APPLICANT :</b> Avi Ashkenazi, et al.   |       |                                  |   |
|   |   |      | <b>FILING DATE:</b> November 14, 2001      |       | <b>GROUP:</b> 1645               |   |
| <b>U.S. PATENT DOCUMENTS</b>  |   |      |  |       |                                  |   |
| EXAMINER'S<br>INITIALS  | PATENT NO.  | DATE | NAME                                       | CLASS | SUBCLASS                         | FILING DATE                                       |
|   |   |      |  |       |                                  |   |
| <b>FOREIGN PATENT DOCUMENTS</b>   |   |      |  |       |                                  |   |
| EXAMINER'S<br>INITIALS  | PATENT NO.  | DATE | COUNTRY                                    | CLASS | SUBCLASS                         | TRANSLATION                                       |
|   |   |      |  |       |                                  | YES   |
|   |   |      |  |       |                                  | <input type="checkbox"/> <input type="checkbox"/> |
| <b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b> |   |      |  |       |                                  |   |
|   | GenBank, Accession No.: P_AAF44130, WO 200073454-A1, Pub Date: December 7, 2000, Ashkenazi, A.J. et al.   |      |  |       |                                  |   |
|   | GenBank, Accession No.: P_AAZ64984, WO 9963088-A2, Pub Date: December 9, 1999, Baker, K. et al.           |      |  |       |                                  |   |
|   | GenBank, Accession No.: P_AAC58376, WO 200053755-A2, Pub Date: September 14, 2000, Ashkenazi, A.J. et al. |      |  |       |                                  |   |
|   | GenBank, Accession No.: AX191426, WO 0149715-A1, Pub Date: July 12, 2001, Ashkenazi, A.J. et al.          |      |  |       |                                  |   |
|   | GenBank, Accession No.: AX080803, WO 0109327-A, Pub Date: February 8, 2001, Ashkenazi, A.J. et al.        |      |  |       |                                  |   |
|   | Dayhoff, Accession No.: AAK15273.1, Direct Submission, Submitted: October 11, 2000, Aggarwal, S. et al.   |      |  |       |                                  |   |
|   | Dayhoff, Accession No.: P_AAB66264, WO 200100673-A1, Pub Date: January 4, 2001, Barnes, T.M. et al.       |      |  |       |                                  |   |
|   | Dayhoff, Accession No.: P_AAB65179, WO 200073454-A1, Pub Date: December 7, 2000, Ashkenazi, A.J. et al.   |      |  |       |                                  |   |
|   | Dayhoff, Accession No.: P_AAY66656, WO 9963088-A2, Pub Date: December 9, 1999, Baker K. et al.            |      |  |       |                                  |   |
|   | Dayhoff, Accession No.: P_AAB24066, WO 200053755-A2, Pub Date: September 14, 2000, Ashkenazi, A.J. et al. |      |  |       |                                  |   |
|   | Dayhoff, Accession No.: CAC14171.1, , Direct Submission, Submitted: April 4, 2000, Trueb, B.              |      |  |       |                                  |   |
|   | Dayhoff, Accession No.: AAK26742.1 Direct Submission, Submitted: June 19, 2000, Kim, I. et al.            |      |  |       |                                  |   |
|   | Dayhoff, Accession No.: NP_068742.1, Genomics, 69 (2), pp 275-279, 2000, Wiedemann, M. et al.             |      |  |       |                                  |   |
|   | Dayhoff, Accession No.: P_AAY92864, WO 200024756-A1, Pub Date: May 4, 2000, Ruben, S.M. et al.            |      |  |       |                                  |   |
|   | Dayhoff, Accession No.: P_AAM38643, WO 200153312-A1, Pub Date: July 26, 2001, Tang, Y.T. et al.           |      |  |       |                                  |   |
| EXAMINER  |   |      | DATE CONSIDERED                            |       |                                  |   |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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|   |   |      |  |       |                                  | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">YES</td> <td style="text-align: center;">NO</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> | YES | NO | <input type="checkbox"/> | <input type="checkbox"/> |
| YES   | NO  |      |  |       |                                  |  |     |    |                          |                          |
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| <b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b> |   |      |  |       |                                  |  |     |    |                          |                          |
|   | Hanna, J.S., et al., "HER-2/neu Breat Cancer Predictive Testing", Oathology Associates Medical Laboratores, August (1999).  |      |  |       |                                  |  |     |    |                          |                          |
|   | Hyman, Elizabeth, et al., "Impact of DNA Amplification on Gene Expression Patterns in Breast Cancer <sup>1,2</sup> ", <i>Cancer Research</i> 62 6240-6245, November (2002).   |      |  |       |                                  |  |     |    |                          |                          |
|   | Orntoft, Torben F., et al., "Genome-wide Study of Gene Copy Numbers, Transcripts, and Protein Levels in Pairs of Non-Invasive and Invasive Human Transitional Cell Carcinomas", <i>Molecular &amp; Cellular Proteomics</i> 1:37-45, (2002). |      |  |       |                                  |  |     |    |                          |                          |
|   | Pollack, Jonathan R., et al., "Microarray analysis reveals a major direct role of DNA copy number alteration in the transcriptional program of human breast tumors", <i>PNAS</i> Vol.99, 20:12963-12968, October (2002).                    |      |  |       |                                  |  |     |    |                          |                          |
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